

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

20670

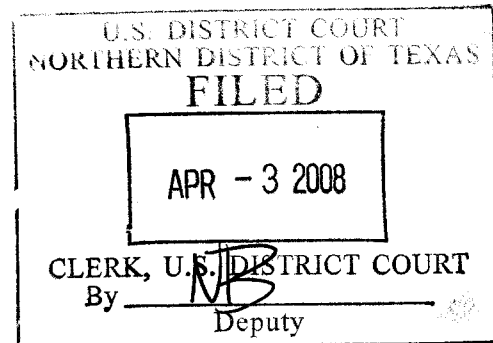
THOMAS KENNETH ABRAHAM,
d/b/a PADDLE TRAMPS MFG. CO.,

Plaintiff,

vs.

ALPHA CHI OMEGA, ALPHA CHI
OMEGA FRATERNITY, INC., ALPHA
DELTA PI, ALPHA DELTA SORORITY
CORPORATION, ALPHA GAMMA
DELTA, ALPHA GAMMA DELTA
FRATERNITY CORPORATION, ALPHA
GAMMA RHO, ALPHA GAMMA RHO
FRATERNITY CORPORATION, ALPHA
OMICRON PI, ALPHA OMICRON PI
FRATERNITY, INC., ALPHA PHI
INTERNATIONAL, ALPHA PHI
INTERNATIONAL FRATERNITY INC.,
ALPHA TAU OMEGA, ALPHA TAU
OMEGA FRATERNITY, INC., ALPHA XI
DELTA, ALPHA XI DELTA
FRATERNITY CORPORATION, BETA
THETA PI, BETA THETA PI
CORPORATION, CHI OMEGA, CHI
OMEGA FRATERNITY CORPORATION,
CHI PHI, THE CHI PHI FRATERNITY,
INC., DELTA CHI, THE DELTA CHI
FRATERNITY, INC., DELTA DELTA
DELTA, DELTA DELTA DELTA
CORPORATION, DELTA GAMMA,
DELTA GAMMA FRATERNITY
CORPORATION, DELTA PHI EPSILON,
DELTA PHI EPSILON, INC., DELTA
TAU DELTA, DELTA TAU DELTA
CORPORATION, GAMMA PHI BETA,
GAMMA PHI BETA SORORITY, INC.,
KAPPA ALPHA ORDER, KAPPA ALPHA
ORDER CORPORATION, KAPPA
DELTA, KAPPA DELTA SORORITY,
INC., KAPPA SIGMA FRATERNITY,
LAMBDA CHI ALPHA FRATERNITY,
LAMBDA CHI ALPHA FRATERNITY,

3-08cv0570-0



CIVIL ACTION NO. _____

INC., PHI DELTA THETA, PHI DELTA §
THETA FRATERNITY CORPORATION, §
PHI KAPPA SIGMA, PHI KAPPA §
SIGMA FRATERNITY, INC., PHI KAPPA §
TAU, THE PHI KAPPA TAU §
FRATERNITY CORPORATION, PHI §
KAPPA THETA, PHI KAPPA THETA §
FRATERNITY CORPORATION, PI §
KAPPA ALPHA, THE PI KAPPA ALPHA §
FRATERNITY CORPORATION, PI BETA §
PHI, PI BETA PHI CORPORATION, §
SIGMA ALPHA EPSILON, SIGMA §
ALPHA EPSILON FRATERNITY §
CORPORATION, SIGMA CHI, SIGMA §
CHI CORPORATION, SIGMA KAPPA, §
SIGMA KAPPA CORPORATION, §
SIGMA PHI EPSILON, SIGMA PHI §
EPSILON FRATERNITY §
CORPORATION, TAU KAPPA §
EPSILON, and TAU KAPPA EPSILON §
FRATERNITY CORPORATION §
§
Defendants. §

COMPLAINT FOR DECLARATORY JUDGMENT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Plaintiff, Thomas Kenneth Abraham d/b/a Paddle Tramps Mfg. Co. ("Paddle Tramps"), files his Complaint for Declaratory Judgment and for good cause shows this Honorable Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Thomas Kenneth Abraham d/b/a Paddle Tramps Mfg. Co. is an individual residing in Lubbock, Texas.
2. Defendant Alpha Chi Omega is an unincorporated association, and its affiliate, Alpha Chi Omega Fraternity, Inc., is an Indiana corporation (collectively "Alpha Chi Omega").

Alpha Chi Omega is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 5939 Castle Creek Parkway North Drive, Indianapolis, Indiana 46250.

3. Defendant Alpha Delta Pi is an unincorporated association, and its affiliate, Alpha Delta Pi Sorority Corporation, is a Georgia corporation (collectively "Alpha Delta Pi"). Alpha Delta Pi, also known as ADPi, is a fraternal organization for women, commonly referred to as a sorority, with its principal office at 1386 Ponce de Leon Avenue, N.E., Atlanta, Georgia 30306.

4. Alpha Gamma Delta is an unincorporated association, and its affiliate, Alpha Gamma Delta Fraternity Corporation, is a New York corporation (collectively "Alpha Gamma Delta"). Alpha Gamma Delta, also known as Alpha Gam, is a fraternity for women, commonly referred to as a sorority, with its principal office located at 8701 Founders Road, Indianapolis, Indiana 46268.

5. Alpha Gamma Rho is an unincorporated association, and its affiliate, Alpha Gamma Rho Fraternity Corporation, is an Illinois corporation (collectively "Alpha Gamma Rho"). Alpha Gamma Rho, also known as AGR, is a social and professional fraternity for male college students preparing for agriculture or food related careers. Its principal office is located at 10101 North Ambassador Drive, Kansas City, Missouri 64153-1395.

6. Alpha Omicron Pi is an unincorporated association, and its affiliate, Alpha Omicron Pi Fraternity, Inc., is a Tennessee corporation ("collectively "Alpha Omicron Pi"). Alpha Omicron Pi, also known as AOPi, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at P.O. Box 395, 5390 Virginia Way, Brentwood, Tennessee 37024-0395.

7. Alpha Phi is an unincorporated association, and its affiliate, Alpha Phi International Fraternity, Inc., is a New York corporation (collectively "Alpha Phi"). Alpha Phi is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 1930 Sherman Avenue, Evanston, Illinois 60201.

8. Alpha Tau Omega is an unincorporated association, and its affiliate, The Alpha Tau Omega Fraternity, Inc., is a Maryland corporation (collectively "Alpha Tau Omega"). Alpha Tau Omega, also known as Alpha Tau and ATO, is a fraternity with its principal office located at One North Pennsylvania Street, 12th Floor, Indianapolis, Indiana 46204.

9. Alpha Xi Delta is an unincorporated association, and its affiliate, Alpha Xi Delta Fraternity Corporation, is an Ohio corporation (collectively "Alpha Xi Delta"). Alpha Xi Delta is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 8702 Founders Road, Indianapolis, Indiana 46268.

10. Beta Theta Pi is an unincorporated association, and its affiliate, Beta Theta Pi Corporation, is an Ohio corporation (collectively "Beta Theta Pi"). Beta Theta Pi, also known as Beta or Betas, is a fraternity with its principal office located at 5134 Bonham Road, Oxford, Ohio 45056.

11. Chi Omega is an unincorporated association, and its affiliate, Chi Omega Fraternity Corporation, is an Ohio corporation (collectively "Chi Omega"). Chi Omega, also known as Chi O, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 3395 Players Club Parkway, Memphis, Tennessee 38125.

12. Chi Phi is an unincorporated association, and its affiliate, The Chi Phi Fraternity, Inc., is a Georgia corporation (collectively "Chi Phi"). Chi Phi is a fraternity, with its principal office located at 850 Indian Trail Road Northwest, Lilburn, Georgia 30047-6866.

13. Delta Chi is an unincorporated association, and its affiliate, The Delta Chi Fraternity, Inc., is an Iowa corporation (collectively "Delta Chi"). Delta Chi is a fraternity with its principal office located at 314 Church Street, P.O. Box 1817, Iowa City, Iowa 52244-1817.

14. Delta Delta Delta is an unincorporated association, and its affiliate, Delta Delta Delta Corporation, is an Illinois corporation (collectively "Delta Delta Delta"). Delta Delta Delta, also known as Tri-Delta, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 2331 Brookhollow Plaza Drive, P.O. Box 5987, Arlington, Texas 76005-5987.

15. Delta Gamma is an unincorporated association, and its affiliate, Delta Gamma Fraternity Corporation, is an Ohio corporation (collectively "Delta Gamma"). Delta Gamma, also known as DG or Dee Gee, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 3250 Riverside Drive, Columbus, Ohio 43221-0397.

16. Delta Phi Epsilon is an unincorporated association, and its affiliate, Delta Phi Epsilon, Inc., is a New York corporation (collectively "Delta Phi Epsilon"). Delta Phi Epsilon, also known as D Phi E, is a sorority with its principal office located at 16A Worthington Drive, Maryland Heights, Missouri 63043.

17. Delta Tau Delta is an unincorporated association, and its affiliate, Delta Tau Delta Corporation, is a New York corporation (collectively "Delta Tau Delta"). Delta Tau Delta, also known as Delts or Delta Taus, is a fraternity with its principal office located at 10000 Allisonville Road, Fishers, Indiana 46038-2008.

18. Gamma Phi Beta is an unincorporated association, and its affiliate, Gamma Phi Beta Sorority, Inc., is an Illinois corporation (collectively "Gamma Phi Beta"). Gamma Phi Beta

is a sorority with its principal office located at 12737 E. Euclid Drive, Centennial, Colorado 80111-6445.

19. Kappa Alpha Order is an unincorporated association, and its affiliate, Kappa Alpha Order Corporation, is a Virginia corporation (collectively "Kappa Alpha"). Kappa Alpha, also known as KA, is a fraternity with its principal office located at P.O. Box 1865, Lexington, Virginia 24450.

20. Kappa Delta is an unincorporated association, and its affiliate, Kappa Delta Sorority, Incorporated, is a Virginia corporation (collectively "Kappa Delta"). Kappa Delta, also known as KD, is a sorority with its principal office located at 3205 Players Lane, Memphis, Tennessee 38125.

21. Kappa Sigma is an unincorporated association ("Kappa Sigma"), with its principal office located at 2020 Avon Court, Suite 29, Charlottesville, Virginia 22902.

22. Lambda Chi Alpha is an unincorporated association, and its affiliate, Lambda Chi Alpha Fraternity Incorporation, is an Indiana corporation (collectively "Lambda Chi Alpha"). Lambda Chi Alpha, also known as Lambda Chi, is a fraternity with its principal office located at 8741 Founders Road, Indianapolis, Indiana 46268-1389.

23. Phi Delta Theta is an unincorporated association, and its affiliate, Phi Delta Theta Fraternity Corporation, is an Ohio corporation (collectively "Phi Delta Theta"). Phi Delta Theta, also known as Phi Delt, is a fraternity with its principal office located at 2 South Campus Avenue, Oxford, Ohio 45056-1872.

24. Phi Kappa Sigma is an unincorporated association, and its affiliate, Phi Kappa Sigma Fraternity, Inc., is a Pennsylvania corporation (collectively "Phi Kappa Sigma"). Phi

Kappa Sigma, also known as Phi Kap, is a fraternity with its principal office located at 2 Timber Drive, Chester Springs, Pennsylvania 19425.

25. Phi Kappa Tau is an unincorporated association, and its affiliate, The Phi Kappa Tau Fraternity Corporation, is an Ohio corporation (collectively "Phi Kappa Tau"). Phi Kappa Tau, also known as Phi Tau, is a fraternal organization with its principal office located at 5221 Morning Sun Road, Oxford, Ohio 45056.

26. Phi Kappa Theta is an unincorporated association, and its affiliate, Phi Kappa Theta Fraternity Corporation, is an Ohio corporation (collectively "Phi Kappa Theta"). Phi Kappa Theta, also known as Phi Kaps, is a fraternity with its principal office located at 9640 N. Augusta Drive, Suite 420, Carmel, Indiana 46032.

27. Pi Kappa Alpha is an unincorporated association, and its affiliate, The Pi Kappa Alpha Fraternity Corporation, is a Tennessee corporation (collectively "Pi Kappa Alpha"). Pi Kappa Alpha, also known as Pike or Pikes, is a fraternity with its principal office located at 8347 West Range Cove, Germantown, Tennessee 38138.

28. Pi Beta Phi is an unincorporated association, and its affiliate, Pi Beta Phi Corporation, is an Illinois corporation (collectively "Pi Beta Phi"). Pi Beta Phi, also known as Pi Phi, is a fraternity for women, commonly referred to as a sorority, with its principal office located at 1154 Town & Country Commons Drive, Town & Country, Missouri 63017.

29. Sigma Alpha Epsilon is an unincorporated association, and its affiliate, Sigma Alpha Epsilon Fraternity Corporation, is an Illinois corporation (collectively "Sigma Alpha Epsilon"). Sigma Alpha Epsilon, also known as SAE, is a fraternity with its principal office located at 1856 Sheridan Road, Evanston, Illinois 60201-3837.

30. Sigma Chi is an unincorporated association, and its affiliate, Sigma Chi Corporation, is an Illinois corporation (collectively "Sigma Chi"). Sigma Chi, also known as Sig, is a fraternity with its principal office located at 1714 Hinman Avenue, P.O. Box 469, Evanston, Illinois 60204-0469.

31. Sigma Kappa is an unincorporated association, and its affiliate, Sigma Kappa Corporation, is a Maine corporation (collectively "Sigma Kappa"). Sigma Kappa is a sorority with its principal office located at 8733 Founders Road, Indianapolis, Indiana 46268-4015.

32. Sigma Phi Epsilon is an unincorporated association, and its affiliate, Sigma Phi Epsilon Fraternity Corporation, is a Virginia corporation (collectively "Sigma Phi Epsilon"). Sigma Phi Epsilon, also known as Sig Ep, is a fraternity with its principal office located at 310 S. Boulevard, P.O. Box 1901, Richmond, Virginia 23218.

33. Tau Kappa Epsilon is an unincorporated association, and its affiliate, Tau Kappa Epsilon Fraternity Corporation, is an Indiana corporation (collectively "Tau Kappa Epsilon"). Tau Kappa Epsilon, also known as Teke, is a fraternity with its principal office located at 8654 Founders Road, Indianapolis, Indiana 46268-1336.

34. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201 and is brought to declare the rights of Paddle Tramps regarding its business of manufacturing and selling products that include Greek lettering and crests for collegiate use. Original jurisdiction over this cause of action is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338 (a). As more fully set forth herein, the Greek Defendants have explicitly threatened Plaintiff with an action for damages and injunctive relief arising out of Plaintiff's alleged infringement on the Greek Defendants' trademarks and other purported rights related to their marks and insignias. The Greek Defendants have also threatened to bring claims for Federal unfair competition and

common law unfair competition. These explicit threats have created a reasonable apprehension on the part of Paddle Tramps that it will face such a lawsuit and, based on the Greek Defendants' practice in other cases, that such lawsuit will be filed in Florida, despite the Florida court lacking jurisdiction over Paddle Tramps and the inappropriateness of venue in Florida. Accordingly, there is an actual controversy between the parties.

35. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400 because the Greek Defendants have chapters and/or have conducted business in the state of Texas and in this judicial district and have purposefully availed themselves of the benefits and laws of the State of Texas.

**PADDLE TRAMPS' USE OF GREEK LETTERS AND LICENSED GREEK CRESTS IS
NOT A VIOLATION OF THE LANHAM ACT OF COMMON LAW**

36. Abraham is an individual who resides in Lubbock, Texas and does business as a sole proprietor under the name Paddle Tramps. Abraham has done business under the name Paddle Tramps in his individual capacity since 1961. In the early 1960's, Abraham began traveling to various fraternity and sorority houses to sell the products of Paddle Tramps, including fraternity and sorority party favors, plaques, and pen sets, Greek paddles, Greek crest reproductions, Greek gifts, clocks, bookends and miscellaneous gifts. Paddle Tramps also mailed catalogues and flyers to various fraternity and sorority houses across the country with Greek merchandise in the 1960's and 1970's. Beginning in the early 1970's, Paddle Tramps began focusing on selling its products wholesale and over the years has sold its products to hundreds, if not thousands, of retail stores across the United States. It has advertised and attended trade shows across the United States that were attended by many Greek organizations, and has advertised, and continues to advertise, its products in publications that are distributed nationwide. These shows include international, national and regional shows for college campus

bookstores, retail stores and sporting goods stores. Paddle Tramps had been in the business of selling Greek merchandise for the last 47 years.

37. In December 2007, 32 fraternities and sororities, and 31 related corporate entities sued Paddle Tramps, after Paddle Tramps declined to become a "licensed" vendor of Greek letters and fraternity/sorority crests. The Greek organizations claimed that Paddle Tramps infringed federally registered trademarks and engaged in unfair competition under federal and common law. That case was filed in United States District Court, Southern District of Florida, despite the fact that none of the 65 total Plaintiffs were located in Florida and only one of the seven, unrelated Defendants was in Florida. The case was dismissed without prejudice on April 1, 2008 after the Court ruled, *sua sponte*, that venue was improper in the Southern District of Florida.

38. Paddle Tramps has sold merchandise that included Greek letters and Greek crests, as chosen by the purchaser, for over 47 years. The threat of litigation by the Greek entities named above affects Paddle Tramps' business and the claims alleged must be resolved so Paddle Tramps can conduct business in accordance with Federal and State law, without the threat of litigation by Defendants. While the named Defendants are spread across the nation, Paddle Tramps is located, and has always been located, in the Northern District of Texas. Jurisdiction and venue are proper in this Court to quickly resolve this controversy, which is in the interest of all parties to the lawsuit.

REQUEST FOR DECLARATORY JUDGMENT

39. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 38, inclusive, of this Complaint as fully set forth herein.

40. An actual case or controversy is present as to whether Paddle Tramps' business

and use and sale of products, including Greek letters and crests, constitutes trademark infringement, Federal unfair competition under the Lanham Act or is otherwise unlawful.

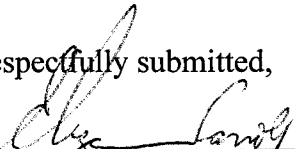
41. Plaintiff requests a declaratory judgment from this Court that Paddle Tramps has not infringed any trademark rights Defendants may have.

42. Plaintiff further requests a declaratory judgment from this Court that the Defendants' failure to control the use of their alleged marks for decades by Paddle Tramps and others not only negates any likelihood of confusion, but this conduct along with other action or inaction by Defendants bars any claims against Paddle Tramps for infringement.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Thomas Kenneth Abraham d/b/a Paddle Tramps Mfg. Co. prays that he has judgment against Defendants for the following:

- (1) A decree that the actions and conduct of Plaintiff in the manufacturing and selling of goods does not constitute actionable trademark infringement, unfair competition under the Lanham Act or common law unfair competition;
- (2) An award of all fees and expenses of this action, including attorneys' fees and costs of court; and
- (3) Such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,



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(214) 206-4330 (fax)

Counsel for Plaintiff Thomas Kenneth
Abraham d/b/a Paddle Tramps Mfg. Co.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

THOMAS KENNETH ABRAHAM d/b/a PADDLE TRAMPS MFG. CO.

DEFENDANTS

ALPHA CHI OMEGA ET AL

3-08CV0570-0

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MOLLY RICHARD, RICHARD LAW GROUP #890,
DALLAS, TX 75225, 214.206.1400

Attorneys (If Known)

JACK WHEAT, STITES & HARRISON, 400 W.
MARKET ST., SUITE 1800, LOUISVILLE, KY 40202
502.587.3400

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

☒ PTF 1☐ DEF 1

Incorporated or Principal Place of Business In This State

☒ PTF 4☐ DEF 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC § 2201

Brief description of cause:

DECLARATORY JUDGMENT REGARDING CLAIMS OF TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

DECLARATION

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) PENDING OR CLOSED

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE